UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,260	08/20/2003	John Patrick Romeo	1033-SS00413	7476

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/644,260	ROMEO, JOHN PATRICK
	Examiner	Art Unit	
	Hemant Patel	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 October 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19 and 21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *1-10* is/are allowed.

6) ☒ Claim(s) *11-19, 21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The Applicant Response dated October 17, 2006 to an Office Action dated

August 24, 2006 is entered. Claims 1-19 and 21 are pending in this application.

Response to Amendment

2.   Applicant's arguments with respect to claims 1-19 and 21 have been considered

but are moot in view of the new ground(s) of rejection. The rejections are necessitated

due to claim amendments and addition of new claim.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The claimed "computer-readable medium

having computer-readable data" does not by itself perform the claimed steps of

allowing, receiving, converting and translating. The computer-readable data in the form

of executable instructions when executed on a computer cause these steps to be

performed.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Saleh (US

Patent No. 6,654,458 B1).

Regarding claim 21, Saleh discloses a computer-readable medium (Fig. 1, item

30) having computer-readable data (col. 3, ll. 3-4, set of programming instructions) to

allow a party to a call to interact with a network management engine (Fig. 1, item 16,

PBX/ACD providing management of agents; col. 4, ll. 5-58),

to receive a user input from the party and to convert the user input directive into a

directive for the network management engine (col. 4, ll. 59-col. 5, ll. 30; col. 6, ll. 28-47;

supervisor's input converted to command to perform action), and

to translate at least a portion of a first signal representing network information

into a second signal representing an audible sound (col. 5, ll. 38-52; converting status

information to audible response to supervisor).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 11-12, 14, 16-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Saleh (US Patent No. 6,654,458 B1), and further in view of Barnes

(US Patent No. 6,594,470 B1).

   Regarding claim 11, Saleh teaches of a monitoring method comprising:

   communicatively coupling a voice call to management engine (Fig. 1, item 16,

PBX/ACD providing management of agents) by a caller response unit (Fig. 1, item 24)

associated with a multi-modal administration engine (col. 2, ll. 66-col. 3, ll. 28; PBX/ACD

allowing the request and response through multiple modes i.e. telephone calls, email, or

website of the organization);

   recognizing that a party can receive audible information via the call (col. 2, ll. 60-

65, ANI as caller identity) and graphical information via a data connection (col. 3, ll. 5-

14, a return email address or caller includes his URL address, these are Internet

addresses and Internet is a data network);

   receiving a spoken directive from a party to the call (col. 5, ll. 13-21);

   converting the spoken directive into a directive for the network management

engine by the caller response unit (col. 4, ll. 5-col. 5, ll. 30); and

   translating at least a portion of a first signal representing network information into

a second signal representing an audible sound by a format converter associated with

the multi-modal administration engine (col. 5, ll. 38-52; converting status information to

audible response to supervisor. Format converter as disclosed by the instant application

is text-to-speech translator that is similar to Saleh's VRU 24. Also, Saleh's supervisory

application 40 is similar to format converter being part of another device as disclosed by the instant application).

Saleh does not call PBX as network management engine.

However, in the same field of endeavor, Barnes teaches of a method wherein call center server (Fig. 1, item 108) monitors and manages various agent workstations connected through network (col. 3, ll. 43-52) and this monitoring and managing is controlled and directed remotely by call center supervisor using a wireless device that includes graphical, text and audible interface (col. 3, ll. 66-col. 4, ll. 63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saleh to include call center server to manage resources attached to the network as taught by Barnes in order to manage geographically distributed agent workstations which is becoming a common configuration of call center with agents working from home.

Regarding claim 12, Saleh teaches of asking for a password from a caller and caller presenting his name and password to access the system (col. 4, ll. 43-54).

Regarding claim 14, Saleh teaches of the method, further comprising:

receiving a response from a software agent associated with the monitored network device (col. 6, ll. 44-46);

converting the response into a spoken response (col. 5, ll. 45-46);

and playing the spoken response to the party (col. 5, ll. 51-52).

Regarding claim 16, Saleh teaches of a method, further comprising:

receiving a keyed in directive from the party, the keyed in directive comprising

dual tone multi-frequency signals (col. 4, ll. 52-54).

Regarding claim 17, Barnes teaches of a method of using TCP/IP protocol for

an interface to mobile radio terminals (col. 6, ll. 23-26).

8.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh

modified by Barnes as applied to claim 11 above, and further in view of Linzy (US

Patent Application Publication No. 2002/0019866 A1).

Regarding claim 13, Saleh modified by Barnes does not teach SNMP protocol.

However, in the same field of endeavor, Linzy teaches of using SNMP protocol

for monitoring and maintaining communication network (Paragraph 0032).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Saleh modified by Barnes to use SNMP protocol as

taught by Linzy in order to be compatible with multiple vendor supplied devices using a

industry standard management protocol.

9.   Claims 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Saleh modified by Barnes as applied to claim 11 above, and further in view of Metcalf

(US Patent Application Publication No. 2002/0122541 A1).

Regarding claim 15, Saleh teaches of a supervisory application receiving

response from monitored network device (ACD) control application (the supervisory

interface application 40 may reside on one of the supervisor's terminal and remotely

access ACD control applications 42, 44 (device agents) (col. 4, ll. 5-12). The application

40 functions to access the related application 42, 44 and make the requested changes

(col. 5, ll. 32-34). The proper applications convert the command into format, which the

CPU 28 can execute. The command is sent to the CPU 28 (by the control application)

and the CPU confirms execution of the change (results to requesting application, in this

case control application) (col. 6, ll. 37-42). It is known in the art that CPU is merely a

hardware that executes one instruction at a time given to it by software application, in

this case the control application, and the application causing the instruction execution

checks the result of execution. Thus control application receives the result of the

execution and responds to the remote supervisory interface application that originally

requested function command execution. Thus, Saleh teaches of supervisory application

remotely receiving response from the software agent (monitored device control

application) associated with a network device (ACD));

> converting this response to audible information (col. 5, ll. 46-47, ll. 50-52); and

> routing this portion to the party (supervisor) via the call.

Saleh modified by Barnes is silent on separating response information in audible

and graphical information.

However, in the same field of endeavor, Metcalf teaches of converting network

information to speech routed via a call (paragraph 0058) and to data routed as GUI or

Web via data connection to browsers (Internet Explorer or Netscape Navigator) on

user's computer terminal (Paragraphs 0056, 0059).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saleh modified by Barnes to include graphical user functionality as taught by Metcalf in order to provide content in visual display (Metcalf, Paragraph 0056) in addition to playing the content audibly to a user in the course of the call (Metcalf, Paragraphs 0058, 0059, 0079).

Regarding claim 19, Saleh modified by Barnes does not teach of a method, further comprising:

decoupling the voice call from the network management engine, and receiving an additional directive originating from an input device coupled to computing platform comprising the network management engine.

However, in the same field of endeavor, Metcalf teaches of decoupling a call from network server (Paragraph 0066) and receiving additional directive originating from input device (user computer terminal that was originally connected and which originally displayed a number for the party to initiate the call, Paragraph 0059) coupled to a computing platform (network server 106) representing the network management engine.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saleh modified by Barnes to include the decupling of a call from network server as taught by Metcalf in order to save resources by freeing up dedicated resource used by the call and continue monitoring with original web browser session.

10.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saleh

modified by Barnes as applied to claim 11 above, and further in view of McDuff (US

Patent No. 6,490,350 B2).

Regarding claim 18, Saleh modified by Barnes does not specifically teach of a

method comprising initiating communication to the party of information representing a

graphical user interface that displays a visual representation of a network monitored by

the network management engine.

However, in the same field of endeavor, McDuff teaches of a method initiating

communication to a party (col. 5, ll. 12-17, ll. 49-54, change in status of monitored

element i.e. agent generates an event and the communication of this event is *initiated*

by the system and sent to the monitoring system client i.e. party who has permanent

request for status information) of information representing a graphical user interface that

displays a visual representation of a call center monitored by the monitoring server (Fig.

13, col. 2, ll. 47-49, col. 11, ll. 40-64).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify Saleh modified by Barnes to include the use of graphical

user interface for representation of information as taught by McDuff in order to provide

visual status of the network being monitored.

Allowable Subject Matter

11.   Claims 1-10 are allowed.

Claims 1-10, the reasons for allowance are same as discussed in previous office

action.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hemant Patel whose telephone number is 571-272-

8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel
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